

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 21274 OF 2005

Dated : April 4, 2006

Between:

Pulagara Suryanarayana @ Narayana

Petitioner

AND

The Manager,

A.P.S.R.T.C., Ongole Depot,

Prakasam District and others

Respondents

THE HONOURBALE SRI JUSTICE N.V.RAMANA

-

W.P. No. 21274 OF 2005

-

ORAL ORDER:

Seeking to declare the action of the respondents in not reinstating the petitioner into service, in terms of the Circulars issued by the Respondent – Corporation pursuant to his acquittal in the criminal case in SC No. 127 of 1999 dated 1.2.2000 by the Additional Assistant Sessions Judge, Ongole, as illegal, arbitrary and unjust, the petitioner filed this writ petition.

The petitioner was appointed as Driver in the respondent Corporation. While so, on 12.12.1997, the petitioner after taking salary went to purchase medicines, but his wife, being unable to bear severe stomach ache, poured kerosene on herself and set ablaze, but though she was rushed to hospital, she succumbed to severe burn injuries. On complaint, a case in Cr. No. 127 of 1997 came to be registered for the offence under Sec. 306 IPC, by the Station House Officer, Tangutur and on filing of the charge sheet, it was numbered as S.C. 127 of 1999, on the file of the Additional Assistant Sessions Judge, Ongole

Pending trial, on receipt of a report from the Superintendent of Police, Ongole to that effect that the petitioner was involved in the above criminal case, the respondents removed him from service with effect from 26.6.1998, in culmination of the Departmental Enquiry conducted by Chief Inspector (Enq.).

The petitioner submits that he has undergone trial in Sessions Case No. 127 of 1999 before the learned Additional Assistant Sessions Judge, Ongole, who, by judgment dated 1.2.2000, found him not guilty of the charge and acquitted him. Consequent upon his acquittal, the petitioner submitted a representation dated 24.2.2000 to the Regional Manager – 2nd respondent for reinstatement into service, in terms of the circulars issued by the respondent Corporation, which was not considered. Therefore, the petitioner came up with the present writ petition.

The respondents filed counter affidavit admitting filing of the representation dated 24.2.2000 by the petitioner requesting to reinstate him into service, which was not considered by the Regional

Manager on the premise that the petitioner also exhausted review.

Today, when the matter has come up for arguments, the learned counsel for the petitioner submits that the petitioner is entitled for reinstatement into service inasmuch as he was found not guilty of the offence and was acquitted, basing on which he was removed from service. It is further submitted that the alleged offence was not in connection with the discharge of official duties and, therefore, when he was acquitted of the alleged charge, he is entitled for reinstatement.

It is not in dispute that the representation dated 24.2.2000 submitted by the petitioner was not entertained, inasmuch as the petitioner has exhausted the remedy of review. Therefore, admittedly, the representation dated 24.2.2000 was not disposed of after due consideration. Therefore, at this juncture, without going into merits or otherwise of the matter, suffice it to direct the Regional Manager, APSRTC, Ongole, Prakasam District – 2nd respondent herein to reconsider the representation of the petitioner dated 24.2.2000 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. With this direction the writ petition stands disposed of. No order as to costs.

N.V.RAMANA, J.

April 4, 2006

MAS.